

POST-COUP TURKEY: State Of Emergency, Torture and Impunity

EXECUTIVE SUMMARY

The failed coup of July 15, 2016 in Turkey was followed by an unprecedented purge targeting citizens from all walks of life, in particular in the education, media, business, military and justice sectors. The ongoing purge and measures introduced under the umbrella of the state of emergency have severely limited individual rights and liberties.

The state of emergency imposed in the aftermath of the attempted coup granted the Prime Minister and his cabinet the power to rule by decree and bypass Parliament.

The first decree under the state of emergency increased the pre-charge detention limit from four to thirty days, raising legitimate concerns that such an extension will further undermine protections against acts of torture and ill-treatment as well as the right to a fair trial. Numerous other provisions in Turkey's emergency decrees have suspended crucial safeguards against torture and ill-treatment, including removal of fair trial protections.

The Concluding Observations (CAT/C/TUR/CO/4) to the fourth periodic report of Turkey on the implementation of the Convention against Torture reveal a disturbing track-record of systematic torture and ill-treatment that the authorities in Turkey have established in recent years, which goes mostly unpunished. The failed coup exacerbated the already critical human rights situation in the country, paving the way, *inter alia*, to unprecedented practice of torture and ill-treatment throughout the country.

Human rights defenders have subsequently documented widespread human rights violations, including alleged cases of extrajudicial executions, arbitrary detention, torture and/or other degrading treatment or punishment, as well as enforced disappearances.

Serious allegations of ill-treatment and torture have emerged following the failed coup, including severe beatings, rape, verbal and psychological abuse, as well as denial of food,

water and medical treatment. Many victims have appeared after detention bearing visible signs of ill-treatment and torture.

Government representatives have made sometimes little or no effort to hide most evidence of ill-treatment and torture emerging in the press or social media, including during the first days after the coup attempt. They have however repeatedly claimed that there have been no cases of torture or ill-treatment in prisons and all the claims to the contrary were “unfounded,” underlining also that “Turkey has zero tolerance for torture.”

In addition, government representatives have repeatedly made public statements indicating that cases of ill-treatment or even torture would not be subject to any investigation.

Responding to a July 24 report by Amnesty International, the Minister of Justice publicly stated “there is no possibility that we have torture in our prisons.” The President of the Turkish Bar Association (TBB) argued in late September in Washington, “There is no evidence of torture in Turkey.”

In early October 2016, the Head of the Parliamentary Sub-Commission on Prisons rejected as “political propaganda” the proposal put forward by the Republican People's Party (CHP) that the Sub-Commission should investigate complaints of torture and ill-treatment in prisons. He further clearly stated “the government would ignore allegations of torture and mistreatment if victims were sympathizers of the Gülen movement.”

His remarks were criticized a few days later in an open letter sent to the Turkish Parliament by six Turkey-based human rights associations¹ calling them “unacceptable.” In the letter, the human rights associations further stated that they “protest against the MP

¹ Joint letter (October 13, 2016) by the Helsinki Citizens Assembly (HYD), Human Rights Association (İHD), Human Rights Research Association (İHAD), Human Rights Agenda Association (İHGD), Association of Human Rights and Solidarity for Oppressed Peoples (MAZLUMDER) and the Human Rights Foundation of Turkey (TİHV).

for his position on torture allegations. No one can be subjected to torture and maltreatment for any reason.”

The principle of non-discrimination, a basic and general principle in the protection of human rights and fundamental to the interpretation and application of the Convention against Torture, to which Turkey is a state party has been fully undermined following the coup attempt.

The Convention² explicitly prohibits specified acts when carried out for “*any reason based on discrimination of any kind...*” Under international human rights law Turkey is therefore obliged to ensure the protection of those detained before and after the attempted coup because of alleged links to the Gülen movement and other groups at risk of being tortured, by fully prosecuting and punishing all acts of violence and abuse against these individuals.

² Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.